

**AGENDA FOR THE NHLC**  
**DIVISION OF ENFORCEMENT & LICENSING MEETING**  
**FOR THURSDAY, JULY 23, 2015**

1. **HEARINGS TO BE HELD AT THE LIQUOR COMMISSION, 50 STORRS STREETS, CONCORD, NH:**

None

**HEARINGS TO BE HELD AT THE OFFICES OF THE PUBLIC UTILITIES COMMISSION, WALKER BUILDING, 21 SOUTH FRUIT STREET, CONCORD, NH:**

**August 20, 2015 @ 9:30 a.m.:**

- a. Club Manchvegas, 50 Old Granite Street, Manchester, NH.  
Restaurant Full Service With Lounge License #1419703 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).  
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.  
Date of violation: March 22 – 23, 2014.  
Case #: 14-124-OF.  
LICENSEE WILL FILE A MOTION TO CONTINUE.  
DECISION PENDING.  
MOTION GRANTED.  
RESCHEDULED AT THE REQUEST OF THE CHIEF HEARINGS OFFICER.

**August 20, 2015 @ 10:30 a.m.:**

- b. Club 550, 2025 White Mountain Highway, North Conway, NH.  
Sports Entertainment License #2503005 licensed pursuant to RSA 178:22, V(u)(1).  
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.  
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.  
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.  
Date of violations: May 25, 2014.  
Case #: 14-170-OF.  
THE LICENSEE REQUESTED AND WAS GRANTED A CONTINUANCE.

**August 20, 2015 @ 11:30 a.m.:**

- c. Blue Moon Country Store, 612 Ossipee Lake Road, Freedom, NH.  
Combination Off-Premises Beverage/Wine/Tobacco License #3019147 licensed pursuant to RSA 178:18/RSA 126-K:4.  
Cited for violation of RSA 178:19/Liq. 704.01(b)(6) – failed to renew liquor license thirty (30) days prior to expiration.  
Date of violation: May 26, 2015.  
Case #: 15-223-OF.

**September 17, 2015 @ 9:30 a.m.:**

- d. Mise En Place Bistro, 96 Lehner Street, Wolfeboro, NH.  
Restaurant On-Premise Beverage/Wine/Liquor License #1221903 licensed pursuant to RSA 178:21.  
Cited for violation of RSA 178:19/Liq. 704.01(b)(6) – failed to renew liquor license thirty (30) days prior to expiration.  
Date of violation: May 5, 2015.  
Case #: 15-203-OF.

**September 17, 2015 @ 9:30 a.m.:**

- e. Molly's Tavern & Restaurant, 35 Mount Vernon Road, New Boston, NH.  
Restaurant Full Service With Lounge License #1451603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).  
Cited for violation of RSA 178:19/Liq. 704.01(b)(6) – failed to renew liquor license thirty (30) days prior to expiration.  
Date of violation: June 2, 2015.  
Case #: 15-225-OF.

**September 17, 2015 @ 10:30 a.m.:**

- f. Zaboo, 24 Depot Street, Manchester, NH.  
Restaurant On-Premise Beverage/Wine/Liquor License #1494103 licensed pursuant to RSA 178:21.  
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.  
Cited for violation of RSA 179:44, I – gave away free drinks to customers, patrons, members or guests – 2 counts.  
Dates of violations: October 31, 2014, September 6, 2014 & January 9, 2015.  
Case #: 14-413-OF, 14-338-OF & 15-24-OF.  
THE LICENSEE FILED A MOTION TO CONTINUE WHICH WAS GRANTED IN PART; NEW DATE TO BE DETERMINED.  
SETTLEMENT PENDING.  
HEARING REQUESTED BY LICENSEE.  
LICENSEE HAS RETAINED COUNSEL; ASSENTED-TO MOTION TO CONTINUE FILED BY LICENSEE; DECISION PENDING.  
HEARING HELD MAY 21, 2015.  
LICENSEE FILED A MOTION FOR RECONSIDERATION ON JUNE 2, 2015.  
LICENSEE FILED A MOTION FOR RECONSIDERATION FOR GOOD CAUSE ON JUNE 3, 2015.  
ON JUNE 5, 2015, THE DIVISION OF ENFORCEMENT & LICENSING FILED A RESPONSE TO BOTH MOTIONS FOR RECONSIDERATION FILED BY THE LICENSEE.  
ON JUNE 10, 2015, THE CHIEF HEARINGS OFFICER FOUND THAT THE LICENSEE WAS DEFAULTED IN ERROR ON MAY 21, 2015; A NEW PRE-HEARING AND HEARING WILL BE SCHEDULED; ACCORDINGLY, THERE IS NO NEED TO RULE ON THE LICENSEE'S MOTION TO RECONSIDER FOR GOOD CAUSE SHOWN; THE DIVISION OF ENFORCEMENT & LICENSING IS NOT REQUIRED TO PRODUCE BRIAN GUNNING AS A WITNESS.

**September 17, 2015 @ 1:00 p.m.:**

- g. Crazy Camel, 245 Maple Street, Unit #1, Manchester, NH.  
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402006 licensed pursuant to RSA 178:20-a.  
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters, cigar cutters and cases, lighters and ashtrays.  
Date of violation: February 24, 2015.  
Case #: 15-65-OF.

**October 15, 2015 @ 11:00 a.m.:**

- h. Whiskey Barrel BBQ & Roadhouse, 200 Portland Street, Lancaster, NH.  
Restaurant Full Service With Lounge License #1488803 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).  
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.  
Cited for violation of RSA 179:51 – failed to maintain an orderly premise – 3 counts  
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the

person in charge of the premises.  
Dates of violations: March 29, 2015 & May 10, 2015.  
Case #: 15-114-OF & 15-184-OF.

**November 19, 2015 @ 9:30 a.m.:**

- i. Jewel Nightclub, 61 Canal Street, Manchester, NH.  
Sports Entertainment License #6018305 licensed pursuant to RSA 178:22, V(u)(1).  
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.  
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.  
Date of violations: February 22, 2015.  
Case #: 15-61-OF & 15-63-OF.

**2. NOTIFICATION OF DISCIPLINARY ACTION:**

Castaways Boathouse, 31 Cocheco Street, Dover, NH.  
Restaurant Full Service With Lounge License #1291303 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).  
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.  
Date of violation: February 20, 2015.  
Case #: 15-119-OF.  
An administrative fine of \$1,500, four (4) points shall be assessed to the liquor license, the license to sell alcohol in the cocktail lounge only shall be suspended for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing July 30, 2015 with re-grant on August 1, 2015 & all servers shall complete a Total Education in Alcohol Management (TEAM) seminar online by August 10, 2015.

**3. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:**

Loyal Order Of Moose 443, 45 Chestnut Street, Dover, NH.  
Social Club License #14701 licensed pursuant to RSA 178:22, V(h).  
Cited for violation of RSA 178:22, V(h)(1) – failed to file a club financial report by the 15<sup>th</sup> of the following month.  
Date of violation: June 5, 2015.  
Case #: 15-229-OF  
\$100 administrative fine paid.

**4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:**

- a. Goldbug LLC DBA Abbey Cellars II, 78 Main Street, Unit #5, Lincoln, NH 03251.  
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3326947 pursuant to RSA 178:18 & RSA 178:19-a.  
30 Day Temporary License issued: 7/10/2015.
- b. Fratello's Ristorante of Nashua, Inc., 194 Main Street, Nashua, NH 03060.  
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1511803 pursuant to RSA 178:21.  
30 Day Temporary License issued: 7/13/2015.
- c. Means, Steven R. DBA Newfound Hog Wild BBQ, 11 Hobart Road, Bristol, NH 03222.  
To be issued Restaurant On-Premise Beverage Wine License #1511303  
30 Day Temporary License issued: 7/16/2015.

- d. RCLT Holdings LLC DBA Hilltop Stop, 187 Rockingham Road, Derry, NH 03038.  
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1509103 pursuant to RSA 178:21.  
30 Day Temporary License issued: 7/10/2015.
- e. Suppa & Romano, Inc., 364 Central Avenue, Dover, NH 03820.  
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1512103 pursuant to RSA 178:21.  
30 Day Temporary License issued: 7/15/2015.
- f. Tuckerman Brewing CO LLC, Tuckerman Brewing, 66 Hobbs Street, Conway, NH 03818.  
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).  
Event date: 8/9/2015.
- g. Turner Homestead, Inc. DBA Campbell's Scottish Highlands Golf Course, 79 Brady Avenue, Salem, NH 03079.  
To be issued Retail Tobacco, Tobacco Only License #135317 pursuant to RSA 178:19-a.  
30 Day Temporary License issued: 7/16/2015.

**5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:**

None

**6. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:**

**TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING JULY 17, 2015: 1,143**

None

**7. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:**

None

**8. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:**

None

**9. NOTIFICATION OF APPROVED PETITIONS:**

- a. American Citizens of Polish Descent of Newmarket NH Inc., 18 Central Street, Newmarket, NH 03857.  
Social Club On-Premise Cocktail Lounge License #10601 licensed pursuant to RSA 178:22, V(h).  
Date petition received: 7/14/2015.  
Requested approval for authorization of other area, to wit, an outside parking lot area with a capacity of 75 for event date July 19, 2015 pursuant to RSA 178:24 and Liq. 404.05.
- b. Border Brewery LLC, 224 North Broadway, Salem, NH 03079.  
Nano Brewery, Beer and/or Specialty Beer/Restaurant License #201022 licensed pursuant to RSA 178:12-a.  
Date petition received: 7/14/2015.  
Requested approval for authorization of other area, to wit, an outside patio area with a capacity of 8 pursuant to RSA 178:24 and Liq. 404.05.

- c. Cumberland Farms, Inc. DBA Cumberland Farms #5401, 79 Milton Road, Rochester, NH 03867. Combination Off-Premise Beverage/Wine/Tobacco License #865347 licensed pursuant to RSA178:18.  
Date petition received: 7/15/2015.  
Requested permission to transfer alcohol inventory to a new location, to wit, from Cumberland Farms of Rochester, NH, License #865347, to Cumberland Farms of Farmington, NH, License #865147, located at 31 North Main Street, Farmington, NH due to store razing building and re-building at the Rochester location on July 20, 2015 per their letter dated 7/14/2015 and pursuant to RSA178:29, VIII.
- d. Fratello's Ristorante of Nashua, Inc., 194 Main Street, Nashua, NH 03060.  
Restaurant On-Premise Beverage/Wine/Liquor License #1511803 licensed pursuant to RSA 178:21.  
Date petition received: 7/13/2015.  
Requested approval for authorization of other area, to wit, an outside side walk seating area with a total capacity of 28 pursuant to RSA 178:24 and Liq. 404.05.
- e. Gyros House LLC, 58 North Main Street, Concord, NH 03301.  
Restaurant Beverage and Wine License #1482403 licensed pursuant to RSA 178:20.  
Date petition received: 7/16/2015.  
Requested approval for authorization of other area, to wit, an outside side walk area with a capacity of 18 pursuant to RSA 178:24 and Liq. 404.05.
- f. KGD LLC DBA Anchorage at Sunapee Harbor, 71 Main Street, Sunapee, NH 03782.  
Seasonal Restaurant On-Premise Cocktail Lounge License #1312403 licensed pursuant to RSA 178:22.  
Requested a waiver of RSA 178:21, II, a (2) for authorization for reduction of hours, to wit, to reduce the hours of operation to less than five days a week from September 7, 2015 through October 11, 2015 as indicated in a letter dated 7/1/2015.
- g. Means, Steven R. DBA Newfound Hog Wild BBQ, 11 Hobart Road, Bristol, NH 03222.  
Restaurant Beverage and Wine License #1511303 licensed pursuant to RSA 178:20.  
Date petition received: 7/16/2015.  
Requested approval for authorization of other area, to wit, an outside porch area with a capacity of 20 pursuant to RSA 178:24 and Liq. 404.05.
- h. RCLT Holdings LLC DBA Hilltop Stop, 187 Rockingham Road, Derry, NH 03038.  
Restaurant On-Premise Beverage/Wine/Liquor License #1509103 licensed pursuant to RSA 178:21.  
Date petition received: 7/10/2015.  
Requested approval for authorization of other area, to wit, an outside deck area with a capacity of 50 pursuant to RSA 178:24 and Liq. 404.05.
- i. Smuttynose Brewing CO, Inc. DBA Hayseed Restaurant, 105 Towle Farm Road, Hampton, NH 03842.  
Restaurant On-Premise Beverage/Wine/Liquor License #1501603 licensed pursuant to RSA 178:21.  
Date petition received: 7/15/2015.  
Requested approval for authorization of other areas, to wit, two outside areas, Area E with a capacity of 2,500 and Area C with a capacity of 375 for event date July 19, 2015 pursuant to RSA 178:24 and Liq. 404.05.

**10. NOTIFICATION OF APPROVED FELON EXCEPTIONS:**

- a. American Legion Post #51, Route 125, Epping, NH.  
Veterans Club License #26739 licensed pursuant to RSA 178:22, V(h).  
Requested approval for a Felon Exception for Paul E. Shea as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).  
Case #: 15-207-OF.

- b. R and H Gas & Convenience, 546 1<sup>st</sup> NH Turnpike, Northwood, NH.  
Combination Off-Premises Beverage/Wine/Tobacco License #3210547 licensed pursuant to RSA 178:18/RSA 126-K:4.  
Requested approval for a Felon Exception for Gail A. Hampe as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).  
Case #: 12-158-OF.

**11. NOTIFICATION OF DENIED FELON EXCEPTIONS:**

None

**12. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:**

Hampton, NH.

**13. NOTIFICATION OF COMPLIANCE CHECKS:**

**Tobacco – Nashua, NH:**

Lolita's Convenience, 159 Amherst Street, Nashua, NH.  
Combination Off-Premises Beverage/Wine/Tobacco #3324147 licensed pursuant to RSA 178:18/RSA 126-K: 4.  
Cited for violation of RSA 126-K: 4 – sold tobacco to an underage person during a compliance check.  
Date of violation: July 7, 2015.  
Case #: 15-267-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety days of the date of the violation.

**14. COMMISSION DECISIONS PENDING AFTER HEARING:**

Alburritos Mexican Restaurant, 406 Union Street, Littleton, NH.  
Restaurant On-Premise Beverage/Wine/Liquor License #1398503 licensed pursuant to RSA 178:21.  
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.  
Date of violation: March 28, 2014.  
Case #: 14-133-OF.

HEARING HELD DECEMBER 18, 2014.

ORDER: LICENSE #1398503 IS SUSPENDED FOR PERIOD OF 5 DAYS WITH 2 DAYS HELD IN ABEYANCE FOR A PERIOD OF ONE YEAR CONDITIONED ON NO LIKE VIOLATIONS OCCURRING, AND TEAM TRAINING FOR ALL SERVERS AND BARTENDERS WITHIN 60 DAYS. THE SUSPENSION SHALL BE IMPOSED ON FEBRUARY 11, 12 AND 13, 2015. A FINE IS IMPOSED IN THE AMOUNT OF \$2,000 WITH \$1,000 HELD IN ABEYANCE FOR A PERIOD OF ONE YEAR ON THE SAME CONDITIONS LISTED ABOVE. THE FINE IS PAYABLE NO LATER THAN FEBRUARY 11, 2015. 4 POINTS ARE ASSESSED TO THE LICENSE.

1/16/15 - LICENSEE FILED A MOTION FOR REHEARING;

4/1/15, THE COMMISSION FOUND THAT THE DECISION RENDERED WAS NOT CONTRARY TO STATUTE OF RULE. FURTHER, THE PETITIONER WAS ALLOWED AMPLE OPPORTUNITY TO PRESENT HIS CASE INCLUDING ANY WITNESSES AND EVIDENCE DEEMED ADMISSIBLE. THE ADDITIONAL EVIDENCE THE PETITIONER WISHED TO PRESENT NOW COULD HAVE BEEN PRESENTED AT THE FIRST HEARING. THE PETITIONER MADE NO ARGUMENT THAT THE EVIDENCE WAS NOT AVAILABLE PRIOR TO THIS HEARING OR THAT THE EVIDENCE WAS NEWLY DISCOVERED. FURTHER, ALL LEGAL PROCEDURES WERE FOLLOWED PURSUANT TO RSA 541-A, THE ADMINISTRATIVE PROCEDURES ACT, AND THE RECORD REFLECTS THAT THE CHIEF HEARINGS EXAMINER EXPLAINED THE PROCESS TO THE PRO SE PETITIONER AT EACH RELEVANT STEP OF THE HEARING. ORDER: THE PETITIONER HAS FAILED TO MEET THE STANDARD OF REVIEW FOR GRANTING A NEW HEARING. THE MOTION FOR REHEARING IS

DENIED. THE PENALTY AS ISSUED UNDER THE PREVIOUS ORDER SHALL BE IMPOSED AS FOLLOWS:

ALBURRITOS LICENSE #1395803 IS SUSPENDED FOR A PERIOD OF 5 DAYS WITH 2 DAYS HELD IN ABEYANCE FOR A PERIOD OF ONE YEAR FROM THE DATE OF THIS ORDER CONDITIONED ON NO LIKE VIOLATIONS OCCURRING, AND TEAM TRAINING FOR ALL SERVERS AND BARTENDERS WITHIN 60 DAYS. THE SUSPENSION SHALL BE IMPOSED ON MAY 13, 14 AND 15, 2015. A FINE IS IMPOSED IN THE AMOUNT OF \$2000 WITH \$1000 HELD IN ABEYANCE FOR A PERIOD OF ONE YEAR ON THE SAME CONDITIONS LISTED ABOVE. THE FINE IS PAYABLE NO LATER THAN MAY 13, 2015. 4 POINTS ARE ASSESSED TO THE LICENSE. AN APPEAL MAY BE MADE PURSUANT TO RSA 541:6, WITHIN THIRTY DAYS AFTER THE APPLICATION FOR A REHEARING IS DENIED, OR, IF THE APPLICATION IS GRANTED, THEN WITHIN THIRTY DAYS AFTER THE DECISION ON SUCH REHEARING, THE APPLICANT MAY APPEAL BY PETITION TO THE SUPREME COURT. COMMISSION ACKNOWLEDGED.

**4/7/15 – LICENSEE CONTACTED THE DOE TO INFORM THAT HE WAS APPEALING TO THE SUPREME COURT;**

**5/13/15 – THE COMMISSION STAYS THE SUSPENSION AND FINE PENDING FINAL ORDER FROM THE SUPREME COURT;**

**6/23/15 – THE SUPREME COURT DENIES THE LICENSEE’S APPEAL;**

**7/15/15 - THE COMMISSION ORDERS THAT PENALTIES ISSUED UNDER THEIR PREVIOUS ORDER BE IMPOSED AS FOLLOWS:**

**\$2,000 ADMINISTRATIVE FINE WITH \$1,000 HELD IN ABEYANCE FOR ONE (1) YEAR PENDING NO LIKE VIOLATION DUE NO LATER THAN AUGUST 19, 2015, FOUR (4) POINTS ARE ASSESSED TO THE LICENSE, THE LICENSEE IS SUSPENDED FOR FIVE (5) DAYS WITH TWO (2) DAYS HELD IN ABEYANCE FOR ONE (1) YEAR FROM THE DATE OF THIS ORDER PENDING NO LIKE VIOLATION COMMENCING AUGUST 19, 2015 WITH RE-GRANT AUGUST 22, 2015 & TEAM TRAINING FOR ALL SERVERS AND BARTENDERS WITHIN SIXTY (60) DAYS.**

**15. NOTIFICATION OF HEARING RESULTS:**

None

**16. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:**

None

**17. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:**

a. Granite State Brewers Assoc., Arms Park, 10 Arms Street, Manchester, NH 03101.

To be issued a Beer Festival License pursuant to RSA 178:30.

Event date: 7/25/2015.

Recommendation: Expedited approval.

Commission approved on 7/14/2015.

b. Tuckerman Brewing CO LLC DBA Tuckerman Brewing, 66 Hobbs Street, Conway, NH 03818.

To be issued a Beer Festival License pursuant to RSA 178:30.

Event date: 7/19/2015.

Recommendation: Expedited approval.

Commission approved on 7/15/2015.